

Senate Bill 429

By: Senators Smith of the 52nd, Cowser of the 46th, Hamrick of the 30th, Wiles of the 37th, Harp of the 29th and others

A BILL TO BE ENTITLED
AN ACT

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to increase the number of Justices of the Supreme Court to nine Justices; to increase the number of Judges of the Court of Appeals to 15 Judges; to create and provide for the funding of a judicial operations fund; to provide for related matters; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising Code Section 15-2-1.1, relating to number of Justices, as follows:

"15-2-1.1.

The Supreme Court shall consist of ~~seven~~ nine Justices."

SECTION 2.

Said title is further amended by revising subsection (a) of Code Section 15-2-16, relating to reversal and affirmance, as follows:

"(a) In all cases decided by the Supreme Court, the concurrence of a majority of the Justices shall be essential to a judgment of reversal. If the Justices are evenly divided, the judgment of the court below shall stand affirmed. In all cases decided by the court, with at least a quorum but less than ~~seven~~ nine Justices, the concurrence of at least ~~four~~ five shall be essential to the rendition of a judgment; ~~and, if only four Justices act upon a case and they are evenly divided, the case shall be reargued before a full bench, if possible, before the term closes; and, if not possible, the judgment of the court below shall stand affirmed.~~"

SECTION 3.

Said title is further amended by revising subsections (a) and (e) of Code Section 15-3-1, relating to the composition of the Court of Appeals, as follows:

"(a) *Composition*. The Court of Appeals shall consist of ~~12~~ 15 Judges who shall elect one of their number as Chief Judge, in such manner and for such time as may be prescribed by rule or order of the court."

"(e) *Quorum*. When all the members of the court are sitting together as one court, ~~seven~~ eight Judges shall be necessary to constitute a quorum. In all cases decided by such court as a whole by less than ~~12~~ 15 Judges, the concurrence of at least ~~seven~~ eight shall be essential to the rendition of a judgment."

SECTION 4.

Said title is further amended by revising Code Section 15-3-4, relating to election and term of office of Judges of Court of Appeals, as follows:

"15-3-4.

The Judges of the Court of Appeals shall be elected at the general state election to be held on Tuesday after the first Monday in November of the even-numbered years in the manner in which Justices of the Supreme Court are elected. The election of the Judges shall be as follows:

(1) Successors to the Judges serving in judgeships which existed prior to ~~1999~~ 2010 shall be elected as follows:

(A) Successors to any Judges whose terms ~~expired~~ expire at the end of ~~1998~~ 2010 shall be elected at the general election in ~~2004~~ 2010 and each sixth year thereafter;

(B) Successors to any Judges whose terms expire at the end of ~~2000~~ 2012 shall be elected at the general election in ~~2000~~ 2012 and each sixth year thereafter; and

(C) Successors to any Judges whose terms expire at the end of ~~2002~~ 2014 shall be elected at the general election in ~~2002~~ 2014 and each sixth year thereafter; and

~~(D) Successors to any Judges whose terms expire at the end of 2004 shall be elected at the general election in 2004 and each sixth year thereafter; and~~

(2) Successors to the ~~two~~ three Judges serving in the judgeships created in ~~1999~~ 2010 shall be elected at the ~~2000~~ 2012 general election and each sixth year thereafter.

The terms of the Judges shall begin on January 1 following their election and, except as provided above, shall continue for six years and until their successors are qualified. They shall be commissioned accordingly by the Governor."

SECTION 5.

Said title is further amended by revising subsection (b) of Code Section 15-21A-5, relating to retention of funds by authority and remittance to general fund of state treasury, as follows:

"(b) The net proceeds received pursuant to Code ~~Section~~ Sections 15-21A-6 and 15-21A-6.1 shall be remitted to the general fund of the state treasury."

SECTION 6.

Said title is further amended by revising Chapter 21A, relating to judicial accounting, by adding a new Code section to read as follows:

"15-21A-6.1.

(a) In addition to all other legal costs, there shall be charged to the filing party and collected by the clerk an additional filing fee of \$100.00, to be known as a judicial operations fund fee, in each civil action or case filed in the superior and state courts except that municipalities, counties, and political subdivisions shall be exempt from such fee. Without limiting the generality of the foregoing, such fee shall apply to all adoptions, certiorari, trade name registrations, applications for change of name, and all other proceedings of a civil nature. Any matter which is docketed upon the official dockets of the enumerated courts and to which a number is assigned shall be subject to such fee, whether such matter is contested or not.

(b) Each clerk of court subject to this Code section shall collect the fees provided in this Code section and the moneys shall be paid over to the authority by the last day of the month after the month of collection, to be deposited by the authority into the general fund of the state treasury.

(c) The authority shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this Code section and shall submit such report and accounting to the Office of Planning and Budget, the House Budget Office, and the Senate Budget Office no later than 60 days after the last day of the preceding quarter. It is the intent of the General Assembly that such funds shall be made available for appropriation and may be appropriated for the purposes of funding salaries of judges and the operational needs of the judicial system in this state."

SECTION 7.

Sections 1, 2, 3, and 4 of this Act shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval for the purpose of appointing Justices and Judges. Sections 1, 2, 3, and 4 of this Act shall become effective for all other purposes on July 1, 2010. The remaining sections of this Act shall become effective on July 1, 2010, and shall apply to all cases and matters filed on and after such date.

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SECTION 8.

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All laws and parts of laws in conflict with this Act are repealed.